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Attorney for Defendant, DANIEL BOOBAR

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANIEL BOOBAR,

Defendants.

CASE NO. CR-F-02-5301 OWW

STIPULATION AND ORDER FOR A  
RESETTING OF HEARING ON REPORT  
OF PROBATION OFFICER AND  
PRESENTENCE MOTIONS

IT IS HEREBY STIPULATED by and between Plaintiff, the United States of  
America, and the Defendant, by and through his attorney, that the date set for hearing on  
presentence motions and the presentence report of the probation officer and sentencing be  
extended as follows:

Defense Counsel's Informal Objections due to Probation and AUSA:  
by December 24, 2005.

Motions and Formal Objections must be filed with the Court and served on  
Probation and AUSA: by January 7, 2006, and Governments reply will be filed by  
January 21, 2006.

Motions and RPO Hearing: will move from December 5, 2005, at 1:30 p.m. to  
February 6, 2006, at 1:30 p.m.

The parties also agree that any delay resulting from this continuance shall be  
excluded in the interest of justice pursuant to 18 U.S.C. sections 3161(h)(1)(F),  
3161(h)(8)(A) and 3161(h)(8)(B)(I).

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1 On November 11, 2005, David Schiavon, the chief and only investigator for  
2 Defendant Daniel Boobar underwent bilateral femoral artery surgery at St. Agnes  
3 Hospital and his recovery is expected to take a minimum of sixty (60) days. Mr.  
4 Schiavon's services are needed to complete the investigation and analysis of investigative  
5 reports, an audio tape and a CD disc recently provided as discovery. Mr. Schiavon's  
6 testimony may also be needed at the hearing of any post-trial motions to be filed.

7 For the above stated reasons, good cause exists for the requested continuance.

8  
9 DATED: November 17, 2005

Respectfully submitted,

10  
11 /s/ Eric K. Fogderude  
12 ERIC K. FOGDERUDE  
13 Attorney for Defendant,  
14 DANIEL BOOBAR

15  
16 DATED: November 28, 2005\_\_\_\_\_

/s/ Jon Conklin

17  
18 JON CONKLIN  
19 Assistant United States Attorney

20  
21 **ORDER**

22  
23 **IT IS SO ORDERED.**

24  
25 DATED: November \_29\_, 2005\_\_

/s/ OLIVER W. WANGER

26  
27 HONORABLE OLIVER W. WANGER  
28 United States District Court Judge,  
Eastern District of California